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ACTION ARA-00

D104

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00  
DODE-00 H-01 NSAE-00 SY-06 HA-08 L-03 TRSE-00  
PM-09 PA-01 MCT-02 OMB-01 A-02 USIE-00 SP-02  
SNP-01 PRS-01 /048 W

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R 151411Z DEC 83  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC 9797  
AMEMBASSY ASUNCION  
AMEMBASSY LONDON  
AMEMBASSY MONTEVIDEO  
AMEMBASSY SANTIAGO  
USCINCSO QUARRY HEIGHTS PN  
USCINCLANT NORFOLK VA

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

( ) Release ( ) Excise ( ) Deny

Exemption(s):

Declassify: ( ) In Part ( ) In Full

( ) Classify as ( ) Extend as ( ) Downgrade to

Date Declassify on Reason

SECTION 01 OF 02 BUENOS AIRES 08914

CINCSO FOR INTAFF

CINCLANT FOR POLAD

E.O. 12356: DECL: OADR

TAGS: PGOV, AR

SUBJECT: ALFONSIN JOLTS THE MILITARY--AND THE NATION

REFS: (A) FBIS PY 140221 OF 14 DEC, (B) FBIS 141210  
OF 14 DEC

1. (U) PRESIDENT ALFONSIN HELD A TELEVISED CABINET  
MEETING IN PRIME TIME THE EVENING OF DECEMBER 13 TO  
ANNOUNCE THAT HE HAS ORDERED THE ARMED FORCES SUPREME  
COUNCIL TO TRY ALL NINE LEADERS OF THE MILITARY  
GOVERNMENTS DURING THE PERIOD 1976-82 FOR "HOMICIDE,  
ILLEGAL IMPRISONMENT, AND TORTURE OF PRISONERS."  
HE ALSO ORDERED LEGAL ACTION AGAINST SEVEN GUERRILLA

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LEADERS FOR THEIR CRIMES IN THE DIRTY WAR. THESE

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LEADERS WHO ARE IN EXILE HAD INDICATED A DESIRE TO RETURN TO ARGENTINA. THE TERRORISTS, SHOULD THEY RETURN, PRESUMABLY WOULD BE TRIED IN CIVIL COURTS. (SPEECH AND DECREES' TEXT CONTAINED REF MESSAGES.)

2. (U) ALFONSIN'S STUNNING ORDERS GO FAR BEYOND WHAT WAS GENERALLY EXPECTED OF THE NEW COMMANDER IN CHIEF OF THE NATION'S ARMED FORCES. THEY WERE COUPLED WITH A PACKAGE OF LEGISLATIVE PROPOSALS TO CONGRESS THAT WOULD

--MAKE IT A CRIME TO ATTACK THE CONSTITUTIONAL ORDER AND INCREASE THE PUNISHMENT FOR CONSPIRACY OR REBELLION BY THE TRADITIONAL COUP.

--DEFINE DEGREES OF RESPONSIBILITY OF MILITARY, POLICE AND SECURITY PERSONNEL IN THE SUPPRESSION OF SUBVERSION AND TERRORISM, TO THE EXTENT SUCH ACTION WAS ILLEGAL.

--MAKE TORTURE A CRIME LIABLE TO THE SAME PUNISHMENT AS MURDER, I.E. LIFE IMPRISONMENT.

--REFORM BOTH THE CRIMINAL AND MILITARY CODES OF JUSTICE TO RESTRICT BAIL AND THE APPLICATION OF THE MOST LENIENT LAW, AND ALLOW HABEUS CORPUS IN CASES OF CIVILIANS TRIED BY MILITARY COURTS, A RIGHT HERETOFORE NOT OBSERVED. ALSO TO BE PERMITTED WOULD BE RIGHTS OF APPEAL AND CIVILIAN-TYPE PROCEDURES FOR THE DEFENSE IN COURTS MARTIAL.

--ENACT PRISON REFORM, TO INCLUDE A SPEEDUP OF COURT PROCEDURES.

[REDACTED]

[REDACTED]

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--AUTHORIZE AN ANTITERRORIST PROGRAM COMBINING "EFFECTIVE PREVENTION WITH BASIC LEGAL RIGHTS," INCLUDING THE RIGHT TO QUICK ORAL HEARINGS IN PUBLIC.

--PROVIDE FOR SIGNATURE AND RATIFICATION OF VARIOUS HUMAN RIGHTS COMPACTS, SUCH AS THE TREATY OF SAN JOSE ESTABLISHING OBLIGATORY JURISDICTION OF AN INTERAMERICAN HUMAN RIGHTS COURT, THE U.N. CIVIL AND POLITICAL RIGHTS PACT AND THE UNECOSOC'S OPTIONAL

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PROTOCOL.

--HAVE CONGRESS ANNUL THE MILITARY'S AMNESTY LAW  
ISSUED LAST SEPTEMBER.

3. OF THE NINE FORMER GOVERNMENT LEADERS NAMED,  
ONE, FORMER NAVY CINC EMILIO MASSERA, IS ALREADY IN  
COURT-ORDERED DETENTION FOR HIS ALLEGED ROLE IN THE  
DISAPPEARANCE OF A BUSINESSMAN. THREE OTHERS--  
LEOPOLDO GALTIERI, JORGE ANAYA, AND BASILIO LAMI  
DOZO--HAVE ALREADY BEEN ORDERED TO MILITARY TRIAL  
BY THE JUNTA WHICH DISSOLVED ITSELF DECEMBER 5, BUT  
FOR THEIR MALVINAS WAR PERFORMANCES, NOT INVOLVEMENT  
IN THE WAR AGAINST SUBVERSION. OTHERS INDICTED ARE  
ARMY GENERALS JORGE VIDELA AND ROBERTO VIOLA, LIKE  
GALTIERI FORMER PRESIDENTS, AND ADMIRAL ARMANDO  
LUMBRUSCHINI. FORMER AIR FORCE COMMANDERS ORLANDO  
AGOSTI AND OMAR GRAFFIGNA COMPLETE THE LIST. THE  
NINE WERE MEMBERS OF THE THREE JUNTAS WHICH HELD  
POWER BETWEEN THE OVERTHROW OF THE PERON REGIME IN  
1976 UNTIL THE FALL OF GALTIERI IN JUNE, 1982, AND  
THE TAKEOVER OF THE JUNTA WHICH JUST LEFT POWER.  
THE GUERRILLA CHIEFS ARE IN DIVERSE EXILES.  
THEY ARE MARIO FIRMENICH, FERNANDO VACA NARVAJA,

[REDACTED]  
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[REDACTED]

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USCINCLANT NORFOLK VA

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CINCSO FOR INTAFF

CINCLANT FOR POLAD

E.O. 12356: DECL: OADR  
TAGS: PGOV, AR  
SUBJECT: ALFONSIN JOLTS THE MILITARY--AND THE NATION

RICARDO OBREGON CANO, RODOLFO GALIMBERTI, ROBERTO PERDIA, ALL MONTONEROS, AND ENRIQUE GORRIARAN MERLO OF ERP (REVOLUTIONARY PEOPLES ARMY).

4. COMMENT: ALFONSIN'S IRON WAS HOT AND HE STRUCK, PLACING THOSE RESPONSIBLE FOR PLANNING AND EXECUTING THE RESPONSE TO THE GUERRILLA STRUGGLE ON THE SAME MORAL AND LEGAL LEVEL AS THOSE WHO STARTED IT. IN HIS WORDS, HE IS MOVING AGAINST "THOSE MAINLY RESPONSIBLE FOR BOTH TERRORIST ACTIVITY AND THE

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ILLEGAL METHODS USED TO FIGHT IT." THE BOLD STROKE WILL HAVE WIDE PUBLIC SUPPORT; TWO KNOWLEDGEABLE PERONIST SOURCES TELL US THE MILITARY WILL HAVE LITTLE SYMPATHY IN CONGRESS OR ELSEWHERE. AS FOR THE MILITARY THEMSELVES, WE BELIEVE THAT FOR THE MOMENT THE OFFICER CORPS ARE PROBABLY STUPENT. WHETHER THEY HAVE THE WILL, COHESION, AND NERVE TO REACT WILL HAVE TO AWAIT DEVELOPMENTS. AS FOR ALFONSIN'S POSITION, SO POPULAR A MOVE AS THIS FIRST SHOT OUT OF THE BOX MAY HELP HIM WITH LESS POPULAR STEPS HE WILL HAVE TO TAKE DIRECTLY. END COMMENT. ORTIZ

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